

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82696 of 2025

Arising Out of PS. Case No.-237 Year-2025 Thana- Bikramganj Excise District- Rohtas

NITISH KUMAR S/o- Subhash Singh Resident of Village- Hatia Police
Station- Karakat District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghunandan Kumar Singh

For the Opposite Party/s : Mr.Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

2 10-12-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Excise P.S. Case No. 1114 of 2025, F.I.R Excise Bikramganj P.S. Case No. 237 of 2025 dated 08.10.2025 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution case, on 08.10.2025 at about 5 p.m., Trainee ASI Ajitabh Kumar of the Bikramganj Excise Police Station received secret information while on patrol. Around 8:10 p.m., at the Karakat (Gorari)–Sakla Bazar road, a motorcycle rider approached the patrol team but, upon seeing the police, abandoned his motorcycle and jumped into a canal to escape. The motorcycle was seized, but no local persons were willing to act as independent witnesses, so two excise constables



Balister Prasad and Sanjana Kumari served as witnesses. A search of the motorcycle yielded a white bag containing five plastic containers of 10 litres each, five plastic containers of 8 litres each (total 40 litres) and two plastic containers of 5 litres each (total 10 litres). In all, 50 litres of illegal country-made Chullai liquor were recovered. A black Hero Splendor motorcycle (Reg. No. BR-24AR-0720) with the specified chassis and engine numbers was also seized. One litre sample of the seized liquor was sealed and sent for forensic examination. An FIR was subsequently registered.

4. Learned counsel for the petitioner submits that save and except this petitioner being the owner of Hero Splendor motorcycle bearing Registration No. BR-24AR-0720, no material is brought on record by the prosecution to implicate this petitioner and while the fact is that at the time of alleged seizure, the said motorcycle was being driven by the petitioner's nephew, which was given by this petitioner for his personal indeed. The prosecution has not adhered to the provisions of 103 of B.N.S.S while making seizure of alleged recovered liquor and there is no independent witness to the seizure list. However, the petitioner fairly submits that petitioner has one antecedent, and in the said case his name had transpired on the basis of confession made by the co-accused, while there was no recovery made from his possession.



5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Regard being had to the submission made by the parties, taking into consideration the fact that illicit liquor has not been recovered from the constructive possession and / or premises belonging to the petitioner and considering the fact that petitioner is no way connected with the seized material and the said motorcycle was being driven was lent to his nephew for his personal need, accordingly, this Court is inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned I/C Special Judge Excise Court No. I, Rohtas at Sasaram in connection with Excise P.S. Case No. 1114 of 2025, F.I.R Excise Bikramganj P.S. Case No. 237 of 2025 dated 08.10.2025 subject to the condition as laid down under Section 482(2) of the B.N.S.S., 2023.

(Ajit Kumar, J)

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